

2nd redraft

Who owns the past?

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Introduction

Almost every day, I receive a phone call. "I would like to volunteer to go on an excavation: how can I do it?" Sometimes it is from one of our subscribers to *Current Archaeology*. Sometimes it is from a stranger who has got our number from Directory Enquiries. Often it is from a mother ringing up on behalf of her son or daughter. And almost always, my answer is the same. Twenty years ago, I say, there was no problem. There were excavations all over the country crying out for volunteers. Today, however, archaeology has become professionalised, and the work that was formerly done by volunteers is now done by professionals, at the government's cost, or at the government's behest. There is no longer a place for the volunteer in archaeology.

Something has gone wrong.

This report looks at this disaster. The roots of the problem lie in the 1970s, when there was a huge expansion of government spending on subjects such as archaeology, the heritage, the arts and the environment. This was the age of the huge growth of the pressure group — when bodies like Greenpeace and the Friends of the Earth grew to their present impressive size; sadly however, at the same time, the active local archaeological societies — who actually wanted to do some archaeology for themselves rather than to pressure government to do it for them — went into decline.

There is a parallel between what happened to industry in the 1940s and what happened to the world of archaeology — and the world of the arts, the heritage, and the environment — in the 1970s. In both cases these were times of massive government intervention — the nationalisation first of our industry, now of our past. And in both cases the results have been the same: massive government costs and an insidious — but increasingly serious — loss of direction, as the centre is cut off from the grassroots: it has lost what in Hayekian terms is called its marketplace.

Solutions

In industry the answer has been privatisation: this report offers a similar answer in the world of archaeology under a new name: amateurisation. And just as the private owner has turned out to know more than the 'gentleman in Whitehall' so

in archaeology the amateurs — the local enthusiasts — by using their local knowledge know more than the professionals of English Heritage.

I apologise for the term ‘amateurisation’: but just as privatisation was an ugly word when first introduced, so is amateurisation. When I first heard the word ‘privatisation’, I thought it a dreadful name for a rather good concept. Nevertheless, privatisation has taken off round the world. I believe that amateurisation could do the same, and I offer this report as an introduction to the concept in archaeology. It is equally applicable to the worlds of the arts, the heritage, and the environment.

Finally I would note that in the Middle Ages, history was written by the monks. As a result, Good Kings were those who gave land and money to the monasteries; Bad Kings were those who did not. Today, the High Moral Ground has been seized by the professionals, who have persuaded the opinion makers that government spending on the professionals is a Good Thing. A fresh look at the virtues of the ‘amateur’ — the unbiased and independent local expert — is the best way to re-capture — the middle ground.

1. The 'market' in archaeology

The Council for British Archaeology is housed in a splendid building, a fine timber framed house in one of the medieval suburbs of York. By the door there is an impressive name plate: it reads 'Lombard North Central Limited'. This has nothing to do with the CBA: Lombard North Central were the previous tenants of the building. However, since the building is a grade 1 listed building, the name plate, erected in the mid 1980s, is protected as much as the rest of the building, and must remain, even though it is misleading and discordant. It is a good illustration of what is going wrong with the 'heritage' movement today. Archaeology has lost its way. The extremists have taken over and we have lost the checks and balances needed to make sensible decisions.

This loss of a proper allocation process can also be seen in excavations. There is an immense desire to participate in archaeological excavations — to touch the past and join in the excitement of discovery. Yet increasingly this is not possible, for thanks to the huge increase in government funding and in government regulations, the volunteers have been pushed out: archaeology has become 'professional'. The government is expected to fund the work in place of the volunteer, or to make regulations to compel developers to fund the work: yet what is the criteria by which this government funding should be determined?

Until recently, there was no problem. In the innocent past, up to the early 1970s in fact, there still was a 'marketplace' in archaeology, when amateurs and professionals mixed freely. Most digs used amateurs, so one could see which ones attracted diggers — if you could not attract amateurs to your dig, you had no dig. And similarly, results were communicated at lectures where you could see how it played before an audience — if you had an audience — and you made certain that you did.

But in the 1970s, this changed very rapidly. Government money suddenly poured into archaeology: indeed it came much too fast, which was a total disaster. Suddenly, decisions were made by committees. The amateurs were pushed aside, and as a result, any concept of independence in archaeology has virtually disappeared.

How therefore do we decide how much the government should spend? There are two main answers given by the Great and the Good, well analysed by Sir Alan Peacock in his recent paper to the British Academy "A future for the past".

The populist answer

The first is what might be called the populist answer: let the people decide. A lot of time is spent counting heads of those visiting museums to decide which museums are the most popular, and whether their visitors are going up or down. However when applied more generally it soon involves funny accountancy: a hypothetical income from tourism is calculated, but there is never any calculation of the costs involved, either real or hypothetical (and there is a very real cost of over-visiting). And it is difficult to get away from the fact that if we are counting heads, more people watch football each Saturday than visit museums or ancient monuments. Furthermore those who watch football pay good money to do so, even though they are mostly the less affluent sectors of society; while museums are mostly free, even though their visitors are normally pretty well off.

There are two problems. Firstly, you cannot allocate resources radically on the basis of opinion polls if you carry out an opinion poll and ask people whether the government should spend more money on the heritage, the answer will always be yes. If you carry out another opinion poll and ask whether the government should raise taxes, the answer is always no. English Heritage is fond of carrying out surveys which 'prove' that the majority of people favour the 'heritage'. This means no more than that most people like to appear virtuous. This has no more validity than questions asking whether people approve of pornography; the fact that most people answer 'no' does not stop it being a very lucrative business.

The other, more serious problem, is that 'the people' do not have enough detailed knowledge to make rational decisions. As I write, one of the books high on the Sunday Times list of best-sellers is a book that archaeologists will immediately condemn as being 'lunatic fringe': given the choice, the public prefers hokum to the hard slog of archaeology. It is notorious among archaeologists that if excavations are open to the public, the one thing people look at are the skeletons: I always remember one particular archaeologist who was digging a very interesting Saxon site at Stafford but who complained that the feature that got the most attention was a late 16th century skeleton.

Archaeology is a highly intellectual subject, which needs study and thought and discussion. It is based on knowledge, often knowledge of a very local area: as in all marketplaces, this knowledge is diffused and the problem is to reach out and find the people who have this special knowledge.

In practice the populist approach simply passes the buck back to the politicians. But do archaeologists really want the politicians to interfere in archaeology? The three politicians who have taken the greatest interest in archaeology in the 20th century are Mussolini, Hitler and Stalin. Do we really want politicians to remake the past in their own image?

The professionals

The other option is that the allocation of funding should be left to the 'professional'. But this is no answer at all, for today the word 'professional' is

used for someone whose work is based on government funding or regulations; they are not independent, and thus the answer is always biased.

Indeed, I sometimes think we should talk in terms of a 'professional conspiracy'. This can be seen most clearly in the art world, where there are three types of artist. There is the 'professional' artist, dependent to a greater or lesser extent on government subsidies, via the Arts Council. The Great and the Good consider that he is the proper artist.

Then there is the commercial artist who makes his living from the marketplace: the Great and the Good consider that he has sold out his integrity for cash, and is therefore not a 'real' artist at all.

And then there is the amateur, who is patronised by all — even though some of the major artists of the 20th century (e.g. L S Lowry) have preferred to earn their living outside art and to practice art for art's sake.

Where professionals rely on government money, they are hardly likely to give a true and fair view of how much money the government should allocate to their subject. Academic advice should also be suspect, for universities today rely extensively on government money, and academics therefore have a propensity for finding reasons to spend more government money.

Nevertheless, the professionals always claim that they are the ones who set the standards, and that their professional status provides the necessary qualities to determine all heritage or artistic questions. This is the old Platonic fallacy of 'ideas', that there are external verities which the guardians of the truth (in this case the professionals) alone can determine.

In practical terms the fallacy is soon apparent, because the professionals always want more — more funds, more regulations. In other words, they fail to do the first role of the market, that is to provide an allocation process., to balance demand against supply.

In practice 'professional judgement' has two main strands. The first is to recycle the conventional wisdom of the previous generation which thus becomes codified just when it should be going out of fashion. One of the problems of professional rulings is that they are universal: there is no scope for variation in practice, as there would be of the decisions taken locally. Thus we cannot then judge of the longer-term effects of the policy, because there is nothing to judge it against. The second strand is that these centralised policy initiatives tend to push all concepts to extremes: appealing to absolute values which actually produce insupportable results when applied to very diverse problems.

Thus, for example, they start proclaiming that 'there is a presumption in favour of preservation' when each case should be argued out equably.

One can see this best in other aspects of the conservation movement, to do with wild animals, where there is a presumption in favour of preserving all species; even a poisonous snake is to be conserved, even though the vast majority of us would like to see them exterminated! Similarly bats in belfries are preserved, even though to the archaeologist they do much harm: English Heritage should fight this one out with English Nature. From the archaeological point of view, naturalists never seem to realise that there is a natural cycle of re-introduction and extinction of species as the conditions change.

The trouble is that neither of the populist nor the professional approaches will answer the real hard questions: when is it justifiable to knock down that rather

ugly old building to make way for something new? When should a museum make disposals? Do we really need to retain all these sherds of nondescript pottery in a museum? Should we machine through the Medieval layers on a site to get to the Roman? Or shall we excavate the medieval by hand, and risk never reaching the Roman? These are the really difficult questions, and in all these cases we need to come back to the independent: someone working with his own time, his own energy, his own money, and thus able to make his own, independent, judgement.

The independent

Perhaps the best example of the sort of independent we need to encourage in order to set standards is the owner of a listed building. The 1970s saw a huge increase in regulation. The most obvious example of this was the 1979 act. Previous to this, listing a building or scheduling a monument merely meant that 3 months' notice had to be given of any change before any alterations could be made. The new act changed all this, and now owners have to get positive consent. Two new breeds of professionals have sprung up: the planners who give (or refuse) the consent, and the advisers, without whose help and intercession you are unlikely to get consent anyway.

Yet here again we have a market problem: what is reasonable: how do we decide what should be preserved? This is known as the bicycle shed syndrome: what do you do about the bicycle shed added incongruously in the 1930s, and which the owner now wants to demolish? Since it is part of the curtilage, it too is listed: and too often, consent is refused, and the eyesore is preserved. In the great houses, increasingly owned by English Heritage or the National Trust, there are two main solutions: either restore it to its original state, as planned by the original architects; or do nothing, and conserve it as it stands. Both possibilities will turn the house into a museum — as has happened to most National Trust properties.

Fortunately there is a way out: in smaller houses there is still a marketplace, for there are still private owners who want to do up an old house. They do not want to live in a museum, but to adapt the house, conserving what is best of the old, but adding something new, both to make it liveable in, and indeed adding something of their character — the very feature that has made our great houses great in the past. But increasingly, such people, who have a real affection for their home and real sympathy in their plans to improve it, are stymied in their efforts by the planners, who are becoming ever more officious — pressed it is true by those ever present busy-bodies, the local conservation group. Nevertheless, here is a 'marketplace', still operating: it should be encouraged, for this is where standards are set, by people spending their own money and their own time on their own property. This then is the sort of market place that we need to apply to the past generally.

If we are to bring back the a functioning allocation process into archaeology — or indeed into the heritage/arts/environment generally, if we wish to decide what is worth studying and what is worth preserving, we must focus attention on these independents, with their profound knowledge and sympathetic appreciation of the local circumstances. In many cases they will be the amateurs. Indeed, the government should adopt a deliberate policy of 'amateurisation'

towards archaeology and should always take the advice of those who are not tainted by the sectional interests of the professionals. 'Amateurisation' or the use of independents should be seen as the equivalent of the policy of privatisation in business. Bringing with it choice, variety, creativity and the competition of ideas, it is likely to be equally beneficial.

2. From amateur to professional: a history of modern archaeology

Modern archaeology really began with Sir Mortimer Wheeler at Maiden Castle. Maiden Castle, just outside Dorchester, is perhaps the finest of all our Iron Age hill forts and Sir Mortimer Wheeler carried out major excavations there from 1934-38. These were the first excavations to be manned (or in Sir Mortimer's case, womanned) largely by volunteers.

It is commonly believed that amateur archaeology goes back to time immemorial. This is not so. Prior to Maiden Castle the normal way of doing excavations was to carry your hat round the local nobility and gentry, raise £5 and then use the money to employ a dozen workers for a month to do your digging for you. The workmen shovelled out the earth and you and your friends dug out the treasures if and when they appeared.

The Maiden Castle revolution changed all this. Certainly workmen were still employed, but Wheeler carried out a massive publicity campaign, trawled the universities, and as a result, the majority of the workforce consisted of volunteers. This not only meant that a massive excavation could be carried out very cheaply but it also brought about a huge rise in standards. It introduced the concept that archaeology was something to be done with trowels rather than with spades and that the majority of digging should be a delicate operation, recording and preserving every shred of pottery, and searching in the soil for the faintest traces of a colour change marking a ditch or a pothole.

The war perhaps magnified the importance of Maiden Castle, for after the war, the Wheeler method became established as the norm. The newly founded Council for British Archaeology launched its Calendar of Excavations, a duplicated sheet published monthly in the summer which listed page after page of excavations all calling for volunteers. For the young archaeologist, it was a cornucopia of delights, dreaming about the possibilities offered by every excavation.

The 'paid volunteer'

The structure of archaeology began to change too. The government began to play a role in archaeology by tentatively carrying out rescue excavations. These too used 'volunteers' though here the volunteer was paid a small sum of money, traditionally 7/6d a day, which would certainly pay for your beer in the evenings and if you were careful could often pay for the canteen food that the larger excavations provided to the hordes of diggers in their tents.

Perhaps the best example of an excavation in those days was Wharram Percy, a deserted medieval village in the Yorkshire Wolds. This is one of the truly epoch-making excavations for it not only established that a large number of medieval villages were deserted in the later Middle Ages, but it also introduced new methods of open-area excavation. It was run by two directors, John Hurst, an Inspector of Ancient Monuments for the Ministry of Works, at first digging in his holidays, and Maurice Beresford, later to become Professor of Economic History at Leeds University. John Hurst ran the excavations and Maurice Beresford ran the campsite. Some relics of the old village still remained, notably the gamekeepers' cottages which were taken over and became the excavation headquarters, where the all-important kitchens and toilets were situated. The fields around were scattered with tents and up to 100 excavators or more would take part for up to a month in the summer. The Wharram Percy excavation went on for 40 years. At first, John Hurst was digging in his holidays, but towards the end the work was directly sponsored by English Heritage and the site supervisors all became fully paid professionals. But it remains a remarkable example of what can be achieved by the use of volunteers.

The 1960s were the heyday of the mixed excavation using the 7/6d 'paid volunteer'. The best example of what could be achieved were the excavations at Winchester carried out by Martin Biddle from 1961 to 1973. There were three major excavations, each sponsored in a different way. There was the pure research excavation on the Cathedral Green, funded from non-government research funds, where the Old Minster was uncovered — one of the greatest churches of Anglo-Saxon England. There was a rescue excavation at Lower Brook Street sponsored by the Ministry of Works, where the construction of modern housing was going to destroy the Medieval remains and where year by year a complete medieval street was uncovered, revealing its development from the earliest times, including two very small churches.

And there was the excavation of the Wolvesley Palace, the Palace of the Bishops of Winchester. This was a monument in the guardianship of the Ministry of Works who sponsored the excavation in their programme of management of monuments. In addition to this a number of rescue excavations were carried out throughout the town, notably those revealing the Norman Castle. This still remains the biggest excavation ever carried out in this country — indeed one of the most stunning excavations carried out anywhere in the world, where the archaeology of an entire city was tackled from all sides, showing just what archaeology can achieve. Yet an excavation on this scale has not been carried out since: indeed it would be impossible (financially) to carry out such a project using a wholly professional team.

'RESCUE'

The big change came in 1972 with the advent of RESCUE.

RESCUE was a pressure group, set up to do something about the rapid destruction of archaeological remains. Archaeologists, it was argued, should pay less attention to research, and concentrate instead on mitigating the destruction of their heritage.

The group hired a hugely talented press officer from the motor industry (Graham Arnold), and with his help, ran one of the most successful press campaigns ever.

They attacked Parliament on its home ground. MPs were planning to construct a new car park for themselves, and they chose to put it underground in the New Palace Yard. However, little effort was being made to excavate the site in advance of its total destruction. With the help of the Guardian, RESCUE struck. How could MPs claim to care a jot about the heritage if they ignored the archaeology in their own front yard?

The MPs were thrown into a panic, and responded in the usual way, by throwing money at the source of their embarrassment. They doubled the money allocated for archaeology from £200,000 to £400,000. The next year they doubled it again, from £400,000 to £800,000. The following year, somewhat less generously, they increased it by a mere 50%, to £1.2m.

The archaeologists did not know what had hit them. Every archaeologist who graduated in these three years got a job and even today it is noticeable that many directors of archaeology units graduated in one of those three magic years, 1973, 1974, and 1975. (There will be no 'new' jobs in archaeology till the year 2015).

Local archaeological societies, who hitherto had been carrying the brunt of the battle, were suddenly showered with manna from heaven. Some of them, which had hitherto been handling budgets that barely rose above £1,000 a year, suddenly found themselves handling budgets in the millions, employing huge staffs (The Manpower Services Commission, who provided jobs for the unemployed, were also tapped with almost equal success).

It became far more cost effective to stop spending your Saturdays and Sundays digging, and instead to spend your free time lobbying for more money — which inevitably came in far greater dollops than you ever dared hope.

Universities too became terribly excited, and began to believe they should double their departments — for after all, were not all their graduates getting jobs?

Archaeologists too began to think of themselves as professionals. A new professional institute, the Institute of Field Archaeologists, came into being, and those who got in quickly began to put the letters MIFA after their names; those who were slower off the mark had to content themselves with the letters AIFA: since then, it has become rather more formal.

Christmas, however, does not last for ever, and when the growth in government spending declined to a mere 20% or even 10% a year, the 'cut-backs' seemed very terrible indeed.

The local societies also changed course. No longer did they actually do any archaeology, they merely heard about it. They turned themselves into 'L&V'

(lecture and visit) organisations and left the digging to the professionals. They spent their Saturday afternoons by the fire, and many began to go into a slow and genteel decline.

The net result is that the amount of archaeology done is about the same as in the Before RESCUE years, but it is done by paid archaeologists rather than by unpaid: the digs are bigger, but there are fewer of them.

And the New Palace Yard? Well, it was the New Palace Yard, for the Palace of Westminster is built on an island, Thorney Island, and the New Palace Yard was a swamp down to the 17th century. The Ministry of Works had been keeping an eye on it all along, and they duly found the remains of an 18th century fountain in the centre, but nothing earlier. From the archaeological point of view, the panic was unnecessary after all.

Archaeology and government

In the aftermath of RESCUE numerous attempts were made to provide a new, professional structure for archaeology. The concept of the archaeological unit caught everyone's imagination following the success of the Winchester Archaeological Unit, itself based on examples from Poland. 'Units' were established everywhere, but in practice they took many forms.

The first and most comprehensive attempt was to establish multi-county units which in theory were to cover the whole of England. A number were set up with great enthusiasm, notably CRAAGS — The Committee on Rescue Archaeology in Avon, Gloucester and Somerset; and WEMRAC, the West Midlands Rescue Archaeology Committee. Elsewhere the attempt soon ran into difficulties, as the counties proved reluctant to fund multi-county units. As a result, units were established in a higgledy piggledy style: some run directly by local authorities attached to museums or planning offices; others such as the Oxford Archaeological Unit established as autonomous trusts with local authority support and backing.

The most comprehensive system was in Wales, where four units were set up to cover the principality. The other large unit was in London, where the Museum of London was able to establish the Department of Greater London Archaeology with the help of a large grant from Ken Livingstone's GLC.

The biggest influence on the Units in the late 1970s and early 1980s was the new Manpower Services Commission, which also became by far and away the biggest source of funding. Archaeologists fell on it with avidity and exploited it in a way worthy of the entrepreneur that every good archaeologist is in his soul; many of them became experts in the minutiae of the administration of the various employment and training schemes. From the point of view of the unemployed whom the MSC was meant to benefit, archaeology was the perfect answer. Archaeologists are by nature enthusiasts endowed with the Victorian work ethic, and when the unemployed youth, after a school career in which the main thing he learnt was how not to work, encountered archaeology, the results were, shall we say, interesting and often stimulating. It wasn't just the actual excavation. In archaeology, post-excavation (or P-EX) is as important as excavation and often takes up considerably more time and money than the excavation itself. Many of

those in MSC projects found themselves undergoing a complete course in office training, learning how to put stocks on computer, and to manage a warehouse. The 'graduates' from archaeological MSC projects were exceptionally successful in getting jobs afterwards.

For archaeology, however, the results were less helpful. Although many of the schemes were admirable, others tended to be second rate. Often too they took over projects which were being run by local societies which thus took away the *raison d'être* of the society. The overall effect was to flood archaeology with a mass of often second rate work. There was no market, no criteria by which projects could be assessed. If work could be provided, that was the whole object of the exercise.

The other major development in the 1970s/80s was the rise of developer funding. The pioneer of this was Brian Hobley, the chief urban archaeologist of the Museum of London, who headed their Department of Urban Archaeology. His background was in the commercial world; he left school at 15 and was soon selling televisions to such good effect that he was able to pay his way through university; when he arrived at the Museum of London as the first and only employee of their fledgling new department he soon realised the possibilities of extracting money from developers to pay for excavations. Eventually he built up what was to become the largest archaeological unit in the world with a staff of over 200. English Heritage were not slow to note his success and have been trying ever since to follow his example.

However, Hobley's success was based largely on two things, one his own personality and secondly the position of London. Whereas in London the profits of development in the 1980s were such that only a small fraction of the development costs could finance a major archaeological excavation, the situation in other historic towns, such as Lincoln or York, was very different. For whereas the excavation costs were likely to be the same in any historic city, the profits of development are enormously different between London and the provinces. And, of course, developer funding varies enormously with the economic cycle.

PPG 16: Planning comes to archaeology

The final stage in the 'professionalisation' of archaeology came with the advent of PPG 16 — the much discussed Planning Policy Guidance note 16. In many ways this has 'solved' the problem of rescue archaeology by putting the costs on the developer, who will not get planning permission unless he first gets archaeological clearance.

PPG 16 was issued by the Department of the Environment in November 1990 and provided 'guidance' to the planning authorities in England as to the Secretary of State's policy on archaeological remains. Basically the note said that archaeology really had nothing to do with the Secretary of State — the key to the future of archaeological sites lies with local authorities and the planning system.

All shire counties now maintain a Sites and Monuments Record (or 'SMR') run by a County Archaeological Officer. All planning applications should be vetted against the SMR and if the site is sensitive, the developer is expected to commission their own 'assessment' — normally desk-top based. This may be

followed by field evaluation involving small scale trial-trenching. Finally where it is not feasible to preserve remains, there should be provision for excavation and recording before development commences.

Much of PPG 16 is a triumph. To the disgust of most archaeologists, English Heritage insisted that a distinction should be made between 'Curators' and 'Contractors', analogous to that between purchasers and providers elsewhere. The Curator is the County Archaeologist. The contractors are then those who do the excavations, paid for by the developers. Since before this most counties had run county archaeological 'units' who did all the archaeology, this new division involved great anguish, and we still have the situation in many counties where the curating and contracting sections both live side by side in the same offices (in one County the curator and contractor are husband and wife!)

However there are four problems — or rather one doubt, and three problems. The doubt is the whole status of PPG 16. There is an 'Orwellian' tone to the whole thing. It is written in the calm reasonable voice of Big Brother with only a whisper of the menace which undoubtedly lies beneath. It is something that has never been brought before Parliament and is certainly not part of the law — it is simply administrative 'guidance'. Would it stand up in a court of law if a developer were to challenge it? And what should a good liberal think about such 'guidance'?

The first problem is the problem that always concerns planning: where is the marketplace? That is, what are the criteria by which decisions should be made? What is worth preserving, what is it reasonable to expect developers to preserve? The danger from the archaeological point of view is that the all-important County Archaeologist is a junior member of the planning department and may not have the clout to resist a powerful developer. The danger from the citizen's point of view is that the planner, not being able to resist the big developer, may instead bully the private developer.

The second problem is that with very few exceptions, the amateurs have been pushed out of the rescue process. This means that not only has it become very expensive but also that we have lost the 'marketplace' — the sense of what is right and reasonable. We really need to be able to ask the question; would an amateur body be prepared to do this, assuming that there were no time constraints and they could work at their leisure? Unfortunately the professionals' trades union has pushed out the amateurs, even in those cases where there are no time constraints, so it is very hard to know what the reasonable man should do. The amateurs provide the market.

The third problem concerns the output of all this rescue archaeology: who is going to pull it all together? What is the future of research archaeology? One of the happier results of the situation in the 1970s and 80s was that rescue and research were frequently combined together. When the government was financing rescue archaeology, sites could be chosen according to research criteria. Now that the developer pays we have a series of small scale evaluations done by competing contractors — and no-one is looking at the overall plan. The problem is to persuade the independent sector to take up the challenge of carrying out research: this will be the subject of our next chapter.

Conclusion

In this chapter we have seen how the heritage has been nationalised by stealth; this nationalisation has put great power into the hands of a new breed of professionals, and at the same time has resulted in the elimination of the traditional amateurs.

Just as the 1970s saw the rise of political pressure groups such as Greenpeace and Friends of the Earth, so in archaeology the societies that actually did archaeology have been largely supplanted by politicised societies wanting to pressurise the government to do things.

In this situation we have lost the criteria of what is fair and right and reasonable. The time has come to recognise the problem and see what we can do to bring back citizen archaeology — the amateur who is prepared to study the past for himself and who, when he sees a problem, is prepared to do something about it himself. As we shall see in the next chapter, the task is not an easy one.

3. The supply side

The leisure revolution

Today, our society is undergoing a leisure revolution. With the advent of the computer, and particularly the personal computer, work is being compressed as never before. This is something about which we should rejoice — it means we will all have to work less. Unfortunately the immediate impact is harsh, as it results in a mis-match between jobs and people — which means unemployment. What it should mean is that there is going to be increasing leisure for all.

The leisure revolution takes three main forms: the shorter working week, longer holidays, and earlier retirement. The working week is getting dramatically shorter. When I began working, the five and a half day week was only just fading into the past; for my father's generation, the six day week was still common. Today, the four and a half day week is increasingly becoming a reality.

Holidays too are becoming longer. Already a fortnight's holiday looks very mean — 4 or 5 weeks is becoming the norm; how long will it be before businessmen realise that it would be better to give all their staff three months holiday a year, but on a shift system, so that businesses can once again operate full time?

And above all there is earlier retirement, which is making available hundreds of thousands of people, often in their early 50s, who have 20 years of active life ahead of them — if only it can be properly harnessed. If archaeology — and the heritage, and the arts, — can organise themselves properly, their whole situation could be totally transformed by using just some of this latent wealth of energy and ability.

There is another aspect too. If a student wishes to make archaeology their life, the amateur option should become increasingly attractive. Professional archaeology often involves an element of prostitution: a professional archaeologist is rarely able to do his own thing. All too often professional archaeologists end up either working for developers, or as planners, shuffling planning applications in planning offices and rarely seeing any real archaeology from one year to the next. However if an amateur archaeologist becomes a chartered accountant, the position could be reversed. It should not be beyond the bounds of possibility to set up in some attractive small town, and so arrange your life that you only work 4 days a week or 8 months in the year and spend more time doing archaeology than any professional archaeologist. And what is more, you will be able to

choose your own archaeology - and you will earn more from accountancy than you will ever do from archaeology.

In other words, if we play our cards right, and sell amateur archaeology properly in the leisure revolution, we will have more, and better archaeology than ever before. And the government will not have to spend a penny.

Attracting the amateur

If then there are so many potential amateur archaeologists, what can we do to attract them? One of the major difficulties is the prejudice against amateurs and amateurism in all its forms. There is the feeling that a professional will always be better and that to be an amateur is to be irretrievably second rate. Yet this is not so.

Certainly if an athlete is able to devote himself full-time to training he will be likely excel someone who only does it part-time. And certainly, there have been times when this has been true in archaeology. In the academic world in the 1930s and indeed through to the 1960s, professors had few pupils, and were able to devote themselves to pure scholarship; the same thing happened in the early years of rescue archaeology in the 1970s. Today this has passed. Many professional archaeologists work in planning offices, academics now have a very full teaching load, while rescue archaeologists have become generalists, rushing from one trench to another at the behest of a developer, rarely able to step back and synthesise what they are doing.

As a result the way is wide open for the amateur archaeologist who specialises to become every bit as proficient — more proficient — in his own subject or his own area than the professional.

It is perhaps worth emphasising the three advantages that an amateur has over the professional:

1. Local knowledge. The amateur knows his local area, the background, the local history, the geology, and the pottery styles. The professional, who is parachuted in, often only has a generalised knowledge in these areas, and often works to a research design prepared by others.

2. The amateur has no time or budget pressures. If a site becomes more interesting, he can slow down and work more carefully. He is usually not constrained by space — if a wall runs off under an adjacent property, he has the time and usually the contacts to be able to follow it up.

3. Weekend diggers can study their finds properly. Whereas in the 'good old days' the director of an excavation was expected to know his site and to be able to understand all the pottery that came up, the modern professional is a digging specialist who knows little about pottery. The finds, once they are logged, are handed over to a finds specialist, who reports on the finds, usually knowing little about the site or the context. The weekend digger on the other hand can study the finds during the week, and if there is anything interesting, take them to the relevant experts for advice, and by the following weekend will know everything there is to know about the previous weekend's finds.

These three aspects give the amateur advantages that, at least as regards the small scale local excavation, mean that he may well be as good as — if not better than — the parachuting professional.

What shall we call them?

There is no doubt that a major problem is one of terminology. It is in some ways surprising that the term professional — which means essentially someone who works for money — has acquired such superior overtones, while amateur — someone who works for love — has acquired such overtones of inferiority.

Indeed the term amateur is often used as a beginner or someone who is incompetent, which is quite wrong. An amateur is someone who loves the subject, and has therefore put a lot of effort and experience into it — certainly not a beginner. If you love something, you practice it, and only someone who practices something, and has become something of an expert in it, should be called an amateur.

It is not just 'amateur' that has acquired unfortunate overtones. 'Volunteer' has suffered almost as badly (a volunteer is someone who only does something when everyone else has refused — the lowest of the low). Connoisseur is perhaps a word that has maintained some sort of standing, while the term 'citizen' has its attractions. But the word we have chosen in archaeology is independent — to emphasise that the amateur archaeologist is one who is independent of the government, and to emphasise that the great virtue of the independent is that he should maintain his independence. We tend to use it throughout this report as a synonym for amateur.

How to run an amateur society

A major problem is that the management of amateurs is almost always entirely wrong. If we want to attract good people, we must motivate them properly, make it clear that as an amateur they can be top rate, will not be regarded as a second class citizen, and can truly make it a second career: as an archaeologist, they will have a chance to scratch their name in the sands of history — to do something which will leave behind a memory of achievement — something which perhaps few people are able to do in their first careers.

The worst thing you can do is to put amateurs under the direction of professionals. This immediately marks them off as second class citizens — they are inferior to the 'professionals'. What makes it worse is that there are often differences of age and social status. The 'professionals' who are put in charge of 'amateurs' tend to be young often haven't a clue about management in what is an extremely difficult management situation.

Worst of all, it prevents the amateurs from exercising leadership: any amateur who wants to be dynamic, to do something new, and to exercise his independence is at once put on notice that he will always be subordinate: it is the

'professional' — however inexperienced the professional may be — who determines the strategy.

In archaeology, the problem comes up in a peculiarly sharp form: how far should amateurs work as volunteers on digs run by professionals? In the short run, there is much to be said for this as it provides an excellent basic experience. But in the long run, there are problems: there is more to archaeology than simply digging: the finds must be cleaned and processed and studied, the stratigraphy of the site must be worked out, and finally a report must be written: this indeed is the essence of archaeology, making the leap from objects to history. Yet the professional who directs the dig takes the finds back to his office and processes them: the amateurs never get to see the dynamic heart of archaeology.

Sometimes local societies even bring in a professional to direct their digs for them — sometimes even paying them to do so. This almost always ends in tears, for it deters those who would otherwise provide the long-term leadership of the society from even joining the society.

Amateurs must do their own thing, using their own standards and laying down their own strategy. The government should never give money to volunteer organisations. Independence is the greatest virtue of the volunteer.

Where the government can help

This is not to say that the government cannot help: with due care, it can. A good example is over the provision of premises — a subject where local societies have been suffering. Up till quite recently, local societies were able to occupy low cost accommodation for storing their equipment at a nominal rent — often some old property that the council owned but for which it had no use. Now the council has to rack-rent everything, and the local society has been driven out, and the properties are often empty and rotting. There is a distinction in accountancy between full-cost accounting and marginal costing — and the best way to help local archaeological societies is to apply marginal accounting to their needs.

When we have attracted the amateur to archaeology, how do we train them? Here we need to look briefly at education, firstly at universities, and secondly at other forms of education, notably extra-mural departments.

Universities

When I lecture to local societies, I sometimes ask the audience, how many of them have degrees in archaeology? It is only very rarely that I find a single archaeology graduate in my audience. One of the major problems in amateur archaeology is the virtual absence of archaeology graduates. Universities have been producing archaeology graduates in considerable numbers for over a generation, and one would therefore expect that local societies would be stuffed full of archaeology graduates eager to maintain their archaeological knowledge and expertise, while earning their living as accountants. But they are not joining societies.

The problem lies with many universities, who are relentlessly 'professional' in their attitudes, implying that either students should become professional archaeologists, or abandon it altogether — and most abandon it. This is not cost effective. Partly of course the fault lies with the government which has been looking questioning at the whole concept of a liberal education, (universities believe this, whether or not it is true) and universities therefore have become convinced that their teaching should be 'relevant'. Archaeologists are desperate to show that archaeology is a proper technical training leading to a proper technical job (even though the job does not exist).

And yet, much to many people's surprise, archaeology does provide a splendid 'general' education. In particular it can provide a splendid training for management. Archaeology is one of the few subjects that genuinely combines both the arts and the sciences. Most students learn to use computers not just in word processing, but in building up databases to record information from excavations. Indeed running an excavation is very like running a business — putting forward a proposal, advertising it, marketing it, negotiating access to the land, organising people when they arrive, running a budget, hiring plant and equipment, keeping stock of the finds and other information when it comes in, scientific examination of the samples, doing constant PR and finally publishing and promoting the results. Far more instructive than writing essays!

Partly because it educates people in such skills, the popularity of archaeology is increasing rapidly: whereas history is beginning to decline as a subject at universities, archaeology is on the up and up, and some look forward to the time when archaeology may even challenge PPE as being the base subject for those who wish a general business-oriented degree that also combines scholarly rigour with a grand perspective on human life.

Once this is accepted, then universities could begin to see that if they are to be cost-effective, they should be training their students to be amateur archaeologists. One obvious way would be to assign each student to a local society. The student would join the society, join in their activities, come to their lectures, join in their excavations. The society's library would help to provide books for his course, and the student's dissertations could be on topics that would help the society. In this way the student would be able to do some real work, and the society would be helped in its research, and would be brought into contact with the university.

University text-books should also be re-written to bring in the role of amateur societies, to show how they work, and how they can make a contribution. The British Archaeological Awards have long had an award for amateur archaeologists, and university text books should highlight some of the winners of these awards to demonstrate to their student readers just what an amateur society can achieve.

Training outside universities

The other problem, perhaps even a bigger problem, is how to train amateurs. This is often left to the extra mural departments of universities, but in practical terms this has not been very satisfactory. Adult education departments should be producing large numbers of recruits for local societies but they are just not doing

so. They rarely liaise with local societies or encourage their students to join local societies, and their training often actively discourages students from doing excavations.

Too many of those who have gained a certificate from adult education departments do not join the local societies and thus strengthen them, and do no excavation, but simply fieldwork — because they have been taught on their courses that amateurs should not excavate.

Indeed the university extra-mural world is a good example of the economics of bureaucracy. It pays adult education departments to keep people as perpetual students, for once they let them go, to stand on their own feet and do their own research, then they have 'lost' their student: and what organisation wishes to lose its customers in this way?

This is a case where education needs to be 'privatised'. A private educational system, sponsored by the large archaeological societies, and operating largely by mutual self-help, would offer a much better service. However the presence of a subsidised competitor in the shape of the extra mural departments prevents such a system from emerging.

The problem can perhaps best be demonstrated by the case of a distinguished member of my local society, a retired solicitor who in his youth had been a keen fencer. Thus when he took up archaeology he inevitably gravitated to the study of Bronze Age swords, and soon found that much of what was written was wrong. The academics who study Bronze Age swords are not fencing enthusiasts, so do not understand how swords were actually used. He therefore wrote an interesting paper on the subject, but the local adult education department did not have anyone capable (or interested) in looking at it, while the only Adult Education expert in Bronze Age weaponry was far away in Newcastle upon Tyne; and so he found it impossible to get anyone to read it, let alone to publish it.

Networking

However the real problem is probably the problem of the absence of networks. One of the reasons why professional archaeology is so successful is that there is a network of specialists who can do specialist work. Whereas fifty years ago someone like Sir Mortimer Wheeler was quite prepared to direct an excavation, write up the report, study the pottery and reach the final conclusions, today these tasks are often separate. There are virtually no professional archaeologists who write their own finds reports. Pottery is almost always studied by a pottery specialist, who thereby provides the dates. Increasingly too the person who directs the excavation in the field is not the person who writes up the excavation afterwards. There is an elaborate network of professional archaeology, orchestrated by English Heritage, so that help and support is provided where necessary.

If the amateurs are to compete, they too must have a network of specialists and many must be encouraged to become specialists. It is in specialisation that the amateur archaeologist can often make the greatest contribution and it is essential to set up a network of such specialists.

We have made a start on this problem in archaeology with the establishment of the Council for Independent Archaeology which in its turn has established an Index of (amateur) Experts to provide help and assistance to other independent archaeologists.

Conclusion: why archaeology cannot be left to the academics/professionals

The trouble with the professionalisation of disciplines is that professional 'wisdom' is slow to change. The last input of new ideas into archaeology came in the 1970s with the advent of the 'New' archaeology. This was based on the contemporary 'New Frontiers' of President Kennedy, and depended on the economic ideas then prevalent, the belief that it was possible to build a 'model' of the economy and thereby control the economy: if this could be done in the present, could it not be done in the past?

And a whole generation of 'theoretical' archaeologists set off to find this model. It proved elusive, just as it did in economics: the whole scheme was deterministic, and determinism is always wrong. Nevertheless academic archaeologists have dedicated themselves to seeking the holy grail of a 'model' of the past, becoming more and more jargon-ridden in the process. Today the discussion is carried out in terms of a theological dispute between the 'processualists' and the post-processualists, — the terms, like the arguments, are incomprehensible to those outside the small group of 'theoretical' archaeologists and move ever further from reality.

But the real tragedy is that since the 1970s we have not been getting new interpretations of the past. There should always be an interaction between past and present. Archaeologists should be interpreting the past in the light of the present, and interpreting the present in the light of the past. This was the view of the previous generation of archaeologists, when men like Gordon Childe wrote hugely successful Penguin books (*What Happened in History* and *Man makes Himself*) to put forward his 'Marxist' views. There have been no such books today.

And yet such a re-interpretation is desperately needed. For instance, the current interpretation of the Romans is ridiculous. They are discussed purely in terms of anti-imperialist rhetoric — no-one ever suggests that the real secret of their success is that they were the world's first market economy. They are painted as thugs — no-one explains how it was that they produced one of the world's great civilisations, and brought such a high standard of living to so wide an area.

Similarly, prehistory needs a fresh look, notably over the treatment of invasions. In the first thousand years of recorded British History, there were four invasions — the Romans, Anglo-Saxons, Vikings, and Normans, or one every 250 years or so. Indeed the reason why there have been no invasions since 1066 is that we have been busy invading other parts of the world. Yet in prehistory, 'invasion' has become a forbidden word. We need some fresh 'independent' ideas in the interpretation of the past. And we need to establish an intellectual 'marketplace' where such new ideas can emerge.

But the best example of the contribution that the independent can make can perhaps be found in a Scottish schoolteacher called Betty Rennie, living in remote

Dunoon. For many years she had tramped the hillsides, noting the 'scoops' found in the hillside that would normally be interpreted as hut-platforms. However professional archaeologists, following the lead of the Royal Commission on the Ancient and Historical Monuments of Scotland, interpreted them as 19th century charcoal burners platforms. Since some of them were above the tree line, Betty Rennie was puzzled and with her local societies carried out a number of small-scale excavations from which she obtained radiocarbon dates centring in the first millennium AD. She had found the Picts, living in Argyll before the invasions of the Scots. And the archaeological establishment in Scotland had missed them.

4. Treasure Trove

So far our question "Who owns the past?" has been asked as an essentially abstract question. But there is also the more literal question as regards the physical aspects of the past: the treasures, the finds, the small objects, the portable antiquities. Who owns them? And who should own them?

It is a particularly vexed question, because some objects from the past have a monetary value, sometimes a very considerable monetary value. Thus there have always been the looters, the tombolari, who simply loot the past for money. In recent times this has been made worse by the advent of the metal detector.

In Britain until now this has been dealt with by the old law of Treasure Trove, which proved to be just about the best such law in the world. But a new law is making radical changes.

Yet before we discuss the details we need to look at the background and ask the philosophical question: how should the objects from the past be distributed?

The problem can be dealt with on three levels: state v individual, local v national, and national v global.

State or individual: the Kimpton Urns

The way of dealing with portable antiquities in many parts of the world is to 'nationalise' them: many countries have a law which states simply that all archaeological objects are state property. At first sight the arguments in favour of 'nationalising' objects are very attractive: the past should be made available for anyone to study and should be put in display where all can see it. After all, it is 'our' past.

But on further investigation, the picture becomes more complex. In the first place, the image of the public museum always being good, and the private collector being ipso facto bad is, like all such images, all too often exaggerated. Objects in a public museum are often difficult of access: only a small selection will be put on display, and the remainder will be boxed away where it may not be seen from one year's end to the next. Increasingly, reserve collections are not stored in the museum but are stored off-site in commercial warehousing.

This monopoly of supply is not just bad for the viewing public, it gives publishers a serious problem over copyright. Increasingly, public museums are charging very high prices to provide illustrations, or to allow their collections to be photographed — often up to £100 per photo. This means that any publisher wishing to produce an illustrated book cannot do so unless it is going to be very popular: the well illustrated serious book is becoming an impossibility. This is not the fault of the curators, but of the administrators behind them who think it is their duty to maximise the ‘profit’ — and that is the word that is used — from their collections.

On the other hand the objects in a private collection may be very much more accessible. The collector may welcome visitors, will certainly look after the objects and treasure them himself, and to the ordinary amateur archaeologist they may well be more accessible. Public museums are normally only open during office hours while the private collector may well prefer to be visited at weekends or in the evenings.

Indeed, who is this 'private' collector? The popular image is often as far from the truth as the Marxist image of the capitalist with a cigar and top hat. The 'private' collector may well be a society looking after its own finds from its own excavations, and writing them up prior to depositing them with the local museum. It could be a university or school, using the material for teaching purposes. Or it may simply be the local farmer, the landowner, who picks up interesting objects found on his farm, and keeps them on his mantelpiece, ready for anyone to come and show some interest in them.

The difficulties can perhaps best be summarised in the case of Max Dacre and the Kimpton Urns. Max Dacre was a well-loved local archaeologist in Andover, who excavated an important, and at the time unique, Late Bronze Age cemetery at Kimpton, where a large number of crude urns were buried in a stone platform. The urns were deposited at the local museum, which initially expressed great interest in them, and promised to provide a report on them. However, when the rest of the report was completed, nothing had been done about the crucial urns. So he went to the museum, and demanded them back. “Oh but you can't have the urns”, said the museum, they are ours. “We have accessioned them, we have written our numbers on them, and once objects have been accessioned, we cannot de-accession them”.

It was stalemate, for Max was working and could only study the urns at the weekend, and the museum was only open during office hours. Eventually Max had to go to law to get back the urns (which had been donated to him by the landowner) and the report was eventually published in the Proceedings of the Prehistoric Society. Yet this case is not untypical: subconsciously, many museums see amateur archaeologists and local societies as rivals and nuisances, even if in public they would deny this. But it demonstrates the problems that would constantly arise if the past (portable objects) were to be nationalised.

National or local: the Snettisham hoard

Then there is the problem of national v local. If a find is made, should it go to the British Museum, in London, or should it go to the local museum? This came up in a major way over the recent Snettisham hoard, a hoard of Iron Age gold torcs

(that is, neck rings — the equivalent of crowns in the Celtic world). The hoard was first discovered in 1948, when it was acquired by Norwich Museum, where it is perhaps the finest treasure in their collection. A second even larger collection then came to light from 1990 onwards, initially found by a metal detector. The Norwich museum did not have the money to excavate, so the British Museum came in and did an immaculate dig under heavy police guard. This second part of the hoard is now in the British Museum. Yet should it not all be in Norwich?

The hoard is possibly the imperial regalia of the royal house in East Anglia in the first century BC: the ancestors of Boudica. Indeed it could be said to be the first royal emblems in Britain — the sort of thing that should be used in the next coronation. Yet we all know what Boudica thought of London: she burnt it. Surely the whole hoard should be together, in Norwich: it would make a far bigger impact there.

This problem of central versus local needs to be faced in any discussion of Treasure Trove. Certainly the distribution of the finds should not be left to the British Museum, which inevitably keeps the best treasures for itself.

National or global: the Elgin marbles

Thirdly, there is the national versus international problem. Should finds always be preserved in the country where they are found? Or should some be treasured abroad? This is a problem where we are all two-faced. Whenever a treasure is discovered in Britain, it immediately seems obvious that we should keep it in Britain at all costs. But whenever a British expedition makes discoveries abroad, we immediately switch round, and say what a pity it can't be brought back to England.

There are two separate problems here. The first is the problem of the universal museum. There are a number of major museums in the world — the British Museum is the prime example — which set out deliberately to be world museums. You can go to the British Museum, and there you can see representative examples of all the major cultures in the world. And this is a good thing. Museums have an educational value: it is part of their function to show visitors the best of other cultures, so that we can appreciate them, and from this appreciation grows tolerance, perhaps even affection. They are cultural ambassadors between the country from which the objects come, and the country in which they are treasured.

Unfortunately these arguments are almost totally ignored today and official opinion is the exact opposite. There is pressure to return objects to their home country — to send the Elgin marbles back to Greece. But one must ask: are the proponents of this view prepared to accept the full logic and see all museums simply containing objects from the country in which they are situated? Conversely, should all objects of a country be seen only in that country? Do we want to have Egyptian objects only in Egypt? Greek objects only in Greece? Totem poles only in Canada, and the remains of the ancient Britons only in Britain? Apart from the cultural disaster that this would represent, does it make sense? An Egyptian object that might be treasured as the centre of attraction in Seattle or Sydney would be hidden away in the storerooms if it were to be returned to Cairo, and would never be seen. Is this sensible?

The other problem is the problem of foreign expeditions. Britain has a long tradition of foreign expeditions and we still maintain schools of archaeology in Rome, Athens, Jerusalem and elsewhere — as do the Americans, the French, the Germans and others. This cross-fertilisation is surely to be encouraged: I have long wanted to establish an American School of Archaeology in Britain — and I am sure we would benefit from it greatly. Yet the problem remains: how can the finds be studied? The sensible answer is to take all the finds back home, study them under proper conditions during the winter, and return them to the host country when the study is completed. However, in most countries this is impossible: it is legally impossible to allow cultural remains to leave the country.

This can often lead to absurdities, as in the case of radiocarbon dating. In many countries there are no radiocarbon laboratories; Turkey is the classic example. If radiocarbon dates are to be obtained the carbon must therefore be exported (and then destroyed in order to obtain the date). But this is held to be illegal, so all radiocarbon dates from Turkey are technically illegal.

The final question is what is to happen to the finds. Some of the more enlightened countries — Egypt is one — allow the finds to be apportioned with half remaining in the host country, while the other half can be exported. This both encourages enlightened research, and also discourages the black market. However in Turkey, where exports are banned, the black market for Anatolian objects is very high, and thus looting is rife.

There are no easy solutions — only calm and patient negotiation with the ultimate aim of ensuring a sensible distribution between the home country and the rest of the world but nationalisation, as so often, conceals problems rather than solves them.

Treasure Trove

Treasure Trove is one of the big myths of British archaeology. There is a myth that somehow Treasure Trove has been uniquely bad, something that we got completely wrong, and needed to be put right. This is complete nonsense. The old system works as well, if not better, than any other system in the world.

Recently we had a whole series of successes — Hoxne, Snettisham and many others where a major hoard was properly declared right at the beginning, was then excavated by the archaeologists, and the rewards were paid to the finders. Compare this with the Sevso hoard of late Roman silver, where we do not even know what country it comes from, let alone the circumstances of burial or whether it is complete! In most other countries in the world there is widespread looting despite, or possibly even because, of draconian laws.

Indeed we might even compare the situation with Scotland, where the law has traditionally been rather more stringent, and where in consequence there has been: The excavator of Trimontium (Newstead), the most important Roman fort in Scotland, recently complained that he was in the dark about the length of occupation because it had been seriously looted by metal detectorists. Because of the strict Scottish law, none of them had reported their finds.

The situation in England has been much better until now: we have possibly 70-80% of all hoards declared, probably near the maximum that will ever be achieved in the real world.

Finders and landowners

Let us analyse the problem and see why the old Treasure Trove system was so successful. The first point is that it was limited. It only applied to gold and silver, that is finds with a bullion value outside any archaeological worth. This means that the law could be policed, was seen to be reasonable, and as a result the vast majority of articles were declared.

The second major success was that it offered a solution to the major problem that there are two different interests to be reconciled, those of finder and landowners. If rewards are to be paid, to whom should they be paid?

A typical solution, as practised in Italy, is that 25% of the value is paid to finder and 25% to the landowner. Not surprisingly the tombolari are rife, and most finds soon make their way onto the black market.

Treasure Trove offered a very ingenious solution. It was based on the law of private property. Treasure, — or indeed any archaeological objects — belong to the landowner — unless — and this is a big unless — it did not really belong to the landowner in the first place. If it was lost, then it belongs to the person who lost it; and that person being unknown, it passes to the crown. We must therefore consider the circumstances in which it was buried. Was it buried with the intention that it should pass with the land — as in the case of a body buried accompanied by rich objects? In this case it clearly belongs to the landowner. Or was it lost? Was it perhaps buried temporarily with the intention that it should be recovered, but the owner failed to recover it? In this case, it belongs to the original owner, and since he is unknown, it therefore reverts to the crown.

This is a subtle but totally logical distinction, and it means that an inquest must be held to determine the real ownership. This means that all objects of gold and silver must be declared, and this means that the British Museum had the opportunity to view all treasure whether or not it is Treasure Trove. And from the archaeological point of view, this examination is what counts: we are not really concerned with where the objects eventually end up — it is the information we are interested in.

In practice of course, most treasure hunters made an agreement with the landowner as to how any treasure is to be split between them: both have an incentive to make the system work and both are satisfied.

Law

A common criticism of the old law of Treasure Trove was that it is based on common law, and because this is old, it is somehow bad. As Hayek has pointed out, the truth is surely the opposite, that because it is based on common law it

has stood the test of time and has been constantly revised and updated. The present system was carefully crafted in the 1920s by Sir George Hill, the Director of the British Museum, who persuaded the Treasury to pay the full value of finds. He also wrote a book *Treasure Trove in Law and Practice* (Oxford, 1936) in which he analysed Treasure Trove around the world, and distinguished between the traditions of Roman law and Germanic law.

The result was the development of a superb overall package. Treasure Trove is not really a legal problem: it is essentially a management problem. The law is only a small part and we should consider the management system as a whole.

Management

The first part of the management system is that the old law was a system of sticks and carrots. There was a legal 'stick', that treasure must be declared. There was a 'carrot' in that there are rewards for doing so.

Furthermore the system was limited, and therefore enforceable. It only applied to objects of gold and silver — that is those objects which can be melted down and where the bullion will be of value: other objects have a value only as antiquities, and do not therefore need the special protection of Treasure Trove. The system was policed — very effectively — by the British Museum who did their best, often very successfully, to track down all examples of Treasure Trove, and thereby provide a very real stick. A wider system cannot be so effectively policed.

Finally one should note that the system was splendidly advertised. The coroners court proceedings offer marvellous publicity; if an advertising agency were to be asked to devise a method of advertising that Treasure Trove must be declared, they could not come up with a better solution than this one, where the treasure is taken back to the place where it was found, it is exhibited in open court, and the officers of the British Museum expound in full detail on it. Invariably it gets full coverage in the local press — and often in the national press too.

The problems

Much of the success of Treasure Trove has been due to the British Museum, but recently the British Museum turned against Treasure Trove, and it is instructive to examine why.

Over the last century years there has been a strong impulse towards increasing state centralism, and this fervour has been felt in archaeology too. For long the British Museum, to its credit, resisted this, but over the last 20 years it has gradually given way, and there have been three major attempts to twist and distort Treasure Trove in order to make it into a 'proper' antiquities law.

The first was an attempt to extend the cover from objects of gold and silver to all coins. Roman coins, it was argued, were always intended to be silver and often had a silver wash which may have made them look silvery at first, and left

behind minute traces of silver in the make up. The Museum therefore began insisting that all finds of Roman coins should be declared — thereby antagonising the metal detectorists. They were eventually slapped down by Lord Denning, in one of his characteristic judgements.

Secondly they have been trying to claim as many objects as possible as Treasure Trove: any object that was not declared Treasure Trove was considered to be 'lost' and omitted from their statistics — even though they had examined it for a year, and they mostly ended up in provincial museums (see appendix).

And thirdly, there was confusion over payments and rewards, and there have been several occasions when finds, not declared Treasure Trove, have been handed back to the finders, instead of being returned to the landowner.

Sadly all this means that the British Museum is no longer the independent umpire in matters of Treasure Trove but has become one of the players mainly concerned with maximising its own collections. Thus it has antagonised unnecessarily all the metal detectorists with whom it ought to be co-operating, and all its statements must be taken as being those of an interested party.

Law and practice

A new Treasure Bill was introduced by Sir Anthony Grant into the House of Commons. This extends 'treasure' to all coin hoards of whatever composition over 300 years old except for groups of less than 10 base metal coins, and to all objects other than coins that are at least 300 years old and have a precious metal content of 5% or more. Penalties are introduced for failure to report suspected treasure within 14 days. The law also 'nationalises' the past by stating that the treasure, when found, vests in the Crown, thereby eliminating all rights of the landowner. Instead, coroners must now inform landowners that finds have been made and have been confiscated.

Meanwhile the Department of National Heritage introduced proposals for the recording of objects, either through a voluntary code of practice or through an additional law to introduce a legal requirement for all archaeological objects to be reported — including, apparently, sherds of pottery, flint flakes and rusty iron nails.

The two approaches

These two approaches are mutually contradictory. There are two possible approaches to the problem of treasure hunters. One is what might be called the antagonistic approach. The damage done by the treasure hunters is enormous and it is very easy to argue that they should be banned, and that archaeologists should attack treasure hunters at every point without mercy. It is an approach espoused for the past generation by the Council for British Archaeology and has resulted in the very great antagonism between even the more reasonable metal detectorists and archaeologists.

The alternative approach is that pioneered by the late Tony Gregory in Norfolk. Tony had a great affinity with metal detector users and largely gained their confidence by inviting them to assist him on his excavations and to report their finds to the Norwich Museum. His approach proved very successful, and it is on this that many of the statistics used in the discussion document are based.

The new Treasure law follows the antagonistic approach. The voluntary code of practice, however, follows Tony Gregory's approach and will only work if the confidence and trust of the treasure hunters can be obtained. Throughout the discussions, the position of amateur or independent archaeologist has been ignored, as was the danger that the bill will boomerang against the independent archaeologist and possibly against all archaeologists generally. It is assumed that the provisions will not apply to professional archaeologists — an assumption which is surely undemocratic and dangerous.

The case against

The primary case against the new system is the empirical one. The old system worked probably as well as any system in the world: why therefore change it in favour of the type of law that works badly elsewhere? It is perhaps significant that foreign comparisons were never mentioned in the discussions.

Secondly, the new law breaks the links with the landowner. The Department tries to conceal this by describing this as 'ending the test of intentional concealment' but the new law makes clear that this is an act of confiscation from the private landowner. The landowner will lose out and since the rewards will (presumably) be paid to the treasure hunters, the treasure hunters will be the beneficiaries at the expense of the landowners.

The reason given for this is simplification: the old system is alleged to have been over-complicated. However, foreign experience suggests that this is not so — problems of ownership of treasure are always complicated. A good example of this is to be found in the Republic of Ireland, which has long had a fascist system, introduced by Adolph Mahr, the Director of the National Museum of Ireland in the 1930s. Despite, or perhaps even because of, these laws, there arose the case of Drumanagh which achieved notoriety in the Sunday Times in January 1996 as being the site of a Roman invasion base in Ireland. The evidence is apparently based on finds of Roman material made by metal detectorists more than a decade ago. The finds have been seized by the National Museum, but they still have not been published and even the leading Irish archaeologists have not been able to see them because they are sub judice. In such a situation, it is inevitable that myths replace reality. By comparison with this ten year delay under the comprehensive Irish laws, the normal working of Treasure Trove was a model of speed and simplicity.

Thirdly the new law, though apparently limited, opens the way to its indefinite extension, as power is given to the Secretary of State to issue a 'Code of Practice'. This will lead to a steady expansion of the bill at the expense of independent archaeologists.

Finally one should note that the new law totally destroys any idea of a 'marketplace' in archaeology. As we have noted above, there is a problem of

how archaeological finds should be distributed between public and private, between local and national and between national and international. The new law accepts the principle — quite explicitly — that all finds at least of treasure should be ‘Crown property’ i.e. nationalised. If extended - and the protagonists of the bill clearly see this as merely the first stage to a comprehensive nationalisation bill of a continental type — then there will be no private collectors, no private museums and all the best finds will be in London. Furthermore once the principle is accepted that the treasure belongs to the country in which it is found, then logically we should restore the Elgin Marbles to Greece and the British Museum should restore all its many treasures to the countries from which they came.

The reporting process

The Department of National Heritage proposals for reporting are based on proposals long put forward by the Council for British Archaeology and others for a Portable Antiquities bill. Based on the evidence from Norwich, where the staff of the Museum estimate that they see something in the order of 24,000 detector finds a year, it is suggested that a total of 400,000 finds may be made throughout out England and Wales, and it is assumed that if under these proposals all will be reported. However the Norfolk statistics depend on the conciliatory approach and indeed the dynamic personality of Tony Gregory. If however conciliation is replaced by the antagonistic approach marked by the new treasure law, it is probable that less would be reported rather than more. Indeed one suspects that this is the secret agenda behind the measure: the professionals want the voluntary code of practice to fail so they can then extend the law to make it one of continental type.

The statistics too are dubious. It is noticeable that the statistics quoted have few comparisons. How many finds are indeed reported to official museums outside Norwich and the British Museum? How many finds are recorded by local and private museums? How many are recorded by dealers? If a system were to be established inviting metal detector clubs, dealers and others to report their finds voluntarily without any threat, how many would do so? Unfortunately treasure hunting often has a slightly nefarious aspect where coins are taken away more or less surreptitiously: after all, where is the line to be drawn between picking up a single object and comprehensively looting a site? An unofficial recording system, such as that employed at Norwich, will certainly produce many more objects than an official system, where questions will inevitably be asked about where, precisely, a coin comes from.

But above all one should note that no foreign comparisons are quoted. Most continental countries have the comprehensive legislation that the proponents of the bill are ultimately aiming at: how many coins are declared in France or in Spain or in Italy under such circumstances? These are the statistics we need to know before any valid comparisons can be made.

Costs

Next there is the questions of costs. The Department of National Heritage suggested in its February 1996 discussion document that the annual cost would be around £700,000 a year, but this is quite clearly a gross underestimate, and alternative calculations suggest that a figure between £5 and £20 million would be more reasonable. It is clear from working back from the figures given in the document, that the figure of £700,000 a year is based purely on employing 30-40 staff at a cost of £20,000 a year each. This is clearly a figure purely for salaries and makes no allowance for accommodation, pensions, overheads, computers, stationery etc.; a figure of £30,000-£50,000 per person would be a more reasonable estimate. Furthermore it assumes that only coins would be recorded. However, once the system is in place, it is an open secret that pressure is to be applied for reporting to be extended to all archaeological objects and we should expect to see reporting staff in all 50 counties in England and Wales. An estimate of four staff per county, each costing an estimated £40,000 per annum would bring us to a total of around £8m.

A cheaper and more effective alternative would be to use the metal detector clubs to do the recording. Instead of using young professional archaeologists, who would almost certainly antagonise metal detectorists, it would be better to invite the metal detecting clubs, perhaps with the help of a modest subsidy, to appoint a member to record all finds and to forward them to a central body, possibly using a standardised database over the internet. This would be a lot more effective and far cheaper. If — as will no doubt happen — young professional archaeologists are appointed they will almost certainly start by obeying the usual economic laws of professional development, and devote much of their time to demonstrating that their disappointing performance is due to the lack of resources and the ineffectiveness of the laws, and that what is needed is a lot more money and far more stringent legislation.

The other main cost problem is that of compensation. The paying of compensation — technically *ex gratia* rewards — has been at the heart of the Treasure Trove system since the 19th century. At first the awards were paid directly by the Treasury, but at some time in the 1950s the Treasury ceased to pay, and instead the British Museum is expected to pay out of its own purchase budget; if they do not wish to accept any treasure, then the local museum is usually given the option to acquire; and failing that it is handed back to the finder to dispose of how he will.

No mention was made of this in the new law in order that it could count as a non-money bill. This however is purely a technicality: if parliament wills the end, then it must be expected to pay for it, and the costs will soon be presented. (The one thing that might have made the bill worthwhile — enshrining the payment of rewards in law — is absent). In practice the British Museum will be looking to the government for upwards of £1m a year in order to pay for the additional costs of the rewards to the finders.

The problem is that the government has no intention of spending money on this scale. It is far more likely that it will adopt one of its favourite money saving devices, that of the Self Financing Regulatory Body — in which case the cost of registration would have to be borne by the finder and would probably come out at around £5 a find. This would largely defeat the intention of the reform,

because the treasure hunters and casual finders would certainly not report finds if they had to pay for the privilege. The only people affected would be the amateur archaeologists, who would be compelled to report their finds. And if there was a cost of £5 every time a sherd of pottery or a flint flake was placed in the finds tray, most local archaeological societies will soon be bankrupted.

Scotland

Finally, we should perhaps look at the situation in Scotland which is often held up as an example. Here Treasure Trove practice has recently been extended to cover all archaeological finds, — apparently by fiat of the staff of the National Museum and Historic Scotland to whom powers have been delegated by the Queen's Remembrancer. As in England, the system is based on common law, and one suspects that this arbitrary delegation of powers is wide open to challenge in the courts.

The excessive scope of the Scottish Treasure Trove law is causing dissatisfaction on two grounds. Firstly, local museums are concerned that increasingly they are not allowed to have any original artefacts, but only copies, all the originals being held in Edinburgh. Indeed since the National Museum in Edinburgh is currently being rebuilt, all these objects are in store and cannot be seen by anyone: Scottish archaeology is just not available! This came to a head in the summer of 1995 when the Museum at Stornoway in the Outer Hebrides was allowed to have a special exhibit of the famous Lewis Chessmen. These were found in Lewis in the 1850s, but are divided between the British Museum and the Edinburgh Museum: the Stornoway Museum threatened not to return them because they felt, surely rightly, that some at least should remain in Lewis where they were discovered, and which is their spiritual home.

The other complaint comes from independent archaeologists who are being increasingly harassed by the new law. Unfortunately there is something of a reign of terror at present and few are willing to speak up for fear that what concessions they are allowed will be revoked, but it appears that their finds are being 'Treasure Troved'. This means that at the end of every week all finds from any excavation must be taken to an 'official' museum together with a list of the find spots. This causes practical difficulties in producing a rational finds list weekly — normally finds are entered into a computer and only printed out at the end of the excavation. More serious however, the excavator is not even allowed to retain the finds for study — and often the 'official' museums do not have the photographic, drawing, and computer facilities that finds study needs. In any case, finds are often sent off to an expert for consideration — and this is not possible if they are held in a sometimes hostile and uncooperative 'official' museum.

One particular case displays the problem at its starkest. This is an 18th century house overlying a medieval site where the landowner, a retired business man, is extremely proud of the historic building he has purchased and done up at very considerable cost, and wishes to continue to enhance his property which he runs as a high class guest house. He encourages excavations in the grounds and would like to have the finds on display in his house as an exhibit to the guests and to enhance the historic setting. Instead they all have to go to the local

museum where they are boxed up and seen by nobody - they are, after all, mostly sherds of pottery. This surely is crazy, but it is the way the law works in Scotland, and will work in England if the professionals get their way.

In Scotland as in both Northern and Southern Ireland, the law has always been much harsher than in England — and amateur archaeologists scarcely exist. The reasons for the non-existence of amateur archaeology in Ireland, and its minimal existence in Scotland are complex, and say much about the differing social structures of the countries. But it is hard to see independent archaeology emerging in Scotland unless and until the laws are liberalised and a massive programme of de-regulation is put in train.

Conclusions

In conclusion, six proposals can be put forward.

Firstly, private property, despite all its drawbacks, offers in most ways a better protection than nationalisation. Property that is owned by everyone is in practice owned by no-one. It is best to have objects, and sites which produce objects, actually owned by people who will take a pride in their property, and will certainly want to profit from it.

Secondly, where no owner is known, rewards must always be paid to the finder. This often hurts, but the alternative of risking the appearance of the black market is always worse.

Thirdly, we should take note of the laws of supply and demand. If objects become fashionable, demand increases. If supply is non-existent, the price increases, and looters come in to meet that demand on the black market.

Fourthly, there is the problem of distribution of finds between local and national, national and international. This is best reviewed independently, and not by the British Museum, which is obviously unsatisfactory as it is both judge and jury, or as in archaeological terms both curator and contractor. The two jobs should be divided and the reviewing committee should not only decide on the amounts of the rewards, but also the destination of the objects.

Fifthly, the national versus global question is difficult, but surely the principle should be established that it is desirable that 50% of the 'treasures' of every country should be held outside that country (this has been called the 'Selkirk' principle). Is it too much to hope that every country should set up an international committee including a substantial proportion of foreigners to administer this?

Finally, we should note that the best way of protecting objects is by protecting sites. In England, most of the objects come from a very small range of sites — Roman sites, often temples or villas. These sites could be protected electronically. There are, roughly speaking, three methods. You could use the same principle as the 'chaff' dropped from aircraft during a war to decoy the enemy's radar, and bug the site with metal coin blanks identical to Roman coins. Secondly you could have a radio transmitter that blankets the area with radio waves, so interfering with metal detectors. Best of all, metal detectors are radio transmitters and thus you could have a 'metal detector detector', which goes off as soon as any metal detector is turned on, and rings a bell in the nearest police station. An ingenious

electronics engineer could no doubt suggest other methods. The cost, though considerable, would be a mere drop in the ocean of English Heritage spending. The deterrent effect would be enormous. And it would work.

Appendix: The British Museum's statistics

The British Museum put some highly dubious statistics in its arguments for the new Treasure law. A typical example is the text given in their handout "Safeguarding the Nation's Heritage: the New Treasure Bill". This reads as follows.

"Although it is very difficult to estimate precisely how many objects are being discovered, it is likely that the figure may now run into several hundred thousand a year, and generally no more than twenty to thirty of these finds are declared Treasure Trove. Nearly all the remaining objects therefore go completely (sic) unrecorded and either enter private collections or are dispersed, often abroad."

There are three points to be made about this:

1. It does not compare like with like. It is comparing individual objects with hoards that are declared Treasure Trove. Each hoard may well contain a thousand or so objects. Thus either this should read that several hundred thousand objects are being discovered every year, and only twenty to thirty thousand of them are declared Treasure Trove; or it should say that several hundred hoards are discovered every year, and only twenty to thirty are declared Treasure Trove.

2. It omits those objects declared for a Treasure Trove inquest, but found not to be Treasure Trove and therefore handed back to the owner. Yet all these objects have been examined minutely at the British Museum, usually for a year or more. They are therefore fully recorded.

Thus the figures for objects of precious metals that come under the Treasure Trove laws can probably be re-stated as follows. Of the total number of finds made, it is a fairly frequent estimate that perhaps up to 80% are declared (far more than anywhere else in the world). The remainder split half and half between those declared as Treasure Trove, where the finder is rewarded, and those declared not Treasure Trove, which are handed back to the landowner after full examination.

This can be expressed as follows:

Finds concealed	20%
Finds Treasure Trove	40%
Finds not Treasure Trove (but fully recorded)	40%

	100%

3. One presumes that by 'objects' the British Museum means coins. To the ordinary archaeologist, finds are a huge range of objects, and this statement becomes totally untrue: the vast majority of finds are made on excavations, and are recorded to the nearest centimetre.

Most hoards of bronze coins are recorded, to a greater or lesser extent. The British Museum itself sees a large number, even though they are not Treasure Trove. More are seen by other museums in the rest of the country and are properly recorded. Others again are recorded by dealers to varying standards. Yet more are recorded by the finders and the records are known within the metal-detecting fraternity, and often to local museums. Many others are semi-recorded: in a letter to persuade me, Roger Bland writes of a recent hoard of 22,500 bronze coins of the late fourth century AD found at Nether Compton but sold to a dealer before any record could be made. But from an archaeological point of view, we already have some very valuable information: we know where the hoard was found, its date, and how many coins it contained!

A table for bronze coins can probably be drawn up as follows:

Recorded by British Museum	20%
Recorded by other museums	20%
Semi-recorded by dealers	20%
Semi-recorded by finders	20%
Sold without record	20%

	100%

Under the new law these figures will probably be re-stated as follows:

Recorded by British Museum	60%
Illegally concealed	40%

	100%

In other words, the number of coins properly recorded will probably go up, but those concealed will probably rise very much more.

The figure for proper records could no doubt be increased substantially if the British Museum were to announce that it would be prepared to buy all bronze

coins at market value: this would involve no great cost, because having recorded them it could then re-sell them — which is what it does already in practice.

However one should note that these figures are almost certainly better than those in any other country where Roman coins are found. The British Museum should be challenged: if there is any country which does have a better record can we be told of it? Perhaps they are aware that to do so would destroy their case.

5. Recommendations

In the Middle Ages, history was written by the monks. As a result, Good Kings are those who gave money and land to the monasteries and Bad Kings were those who didn't. Some medieval historians realise the bias.

A similar bias is distorting our views of the Heritage, the Arts, and the Environment. Over the past 20 years, the Professionals have taken over from the amateurs. This has inevitably proved expensive. However those who try to cure the problems by cutting grants given to the Heritage/Arts/Environment lobby will suffer the fate of those medieval kings who were unkind to monks. The professionals have not only taken over from the amateurs — they have also seized the high moral ground. Thus it is necessary above all first to claim the high moral ground for otherwise the professionals will control all the publicity. This report demonstrates how this can be done. The key word is amateurisation. We must call the bluff of the professionals, seize the high ground and keep it. An accusation of amateur-bashing is by far the most effective weapon that can be used by anyone who wishes to break the intellectual log-jam surrounding our subject.

We have four initial proposals.

Firstly, independent umbrella organisations should be established to bring together not only the amateurs but also all the 'independents', that is those not dependent on the government in the respective subjects. Already in archaeology the Council for Independent Archaeology has been established to point the way. An Independent Arts Council is an obvious desirability and should be established as soon as possible.

Secondly, the Government should take advice from such independent bodies and value such advice because it is independent. This is not always easy. Professional bodies devote much of their effort to political lobbying — its success goes to the heart of their existence. Independents lack such funding and instead prefer to get on with the job. When they turn to archaeology they wish to do archaeology and not office politics. Ministers must therefore go out of their way to seek the advice of independents and treat with a certain suspicion the advice given by paid lobbyists.

Thirdly, we must query the existence of what might be called mixed organisations, that is organisations which purport to represent the Independent sector but in practice are subsidised by the government. An obvious example of

such a body is the Council for British Archaeology which draws somewhere in the region of 70 - 80% of its funds from the Government via the British Academy. They claim to promote the study and safe-guarding of Britain's historic environment, but in practice this consists of putting pressure on the government for more spending, and more regulation. A major current campaign is to oppose the proposals put forward by John Redwood when he was Secretary of State for Wales to simplify the PPG 16 regulations: since this involves an element of deregulation, it is opposed with particular fervour. Yet it is a little hard to see why the government should fund bodies which campaign against itself. There are a large number of such bodies which nominally co-ordinate amateur work, but which in practice rely almost entirely on a government grant for their existence. A vital first step would be to withdraw such grants so as to allow bodies that properly represent the amateurs to emerge.

Fourthly, we must look again at the big quangos - English Heritage, English Nature, the Arts Council and their Scottish, Welsh and Irish counterparts. These have become pressure groups funded by the government. English Heritage was set up under the National Heritage Act 1983 in the full flood of the privatisation tide in order to encourage efficiency. However in retrospect and using the economics of bureaucracy, the 1983 Act was naïve. Thus not only was it required to secure the preservation of historic monuments, but also to 'promote' preservation, and most dangerous of all, to 'promote' the public's enjoyment of historic monuments. In other words, it is required by its constitution to be a pressure group.

I would recommend therefore that at the minimum the government should revise the statutes of such bodies so that they become purely 'curatorial' bodies with a duty to retain neutrality. Perhaps better, is it not time to take them back once again to the civil service where they can become purely managerial bodies? The 'marketplace' has been destroyed; we have no way of knowing where we should be going. The word 'market' does not appear in the 1983 Act, and I have never seen it used in an English Heritage document. Yet it lies at the heart of the problem of what we should preserve.

Practical matters: proposals for specific bodies

English Heritage

The obvious way to streamline the administration of archaeology (and to save a lot of money) would be to merge English Heritage and the Royal Commission on Historic Monuments (and the Welsh and Scottish equivalents). English Heritage was formed by Michael Heseltine in 1984 when he was Secretary of State for the Environment. He realised that there were two bodies, the antiquities side of the old Ministry of Works, and the RCHM, who overlapped, so he proposed to merge them into a single new body, the Historic Buildings and Monuments Commission (later nick-named English Heritage) which was to be spun off as a semi-autonomous body.

In the event he was not wholly successful, as the RCHM 'escaped'. This may not have been unconnected with the fact that the Chairman of the Commission at the time was the late Lord Adeane, who had formerly been the Queen's Private Secretary. However this meant that the cost savings which Mr Heseltine envisaged have not materialised — indeed expenditure by both bodies has gone

ahead substantially. Yet there remains very substantial overlap between the two bodies, notably over the question of who maintains the list of Historic Buildings and Ancient Monuments. It appears that both maintain lists — they claim for different purposes. Amalgamation would lead to substantial cost savings.

The HBMC has in fact been a considerable success, largely due to Lord Montagu, its first chairman. He changed the name from the HBMC to English Heritage and enormously raised the profile of the new body. Its achievements can best be summarised as two successes, two failures, and a query.

The first success is in the enormous increase in membership. Lord Montagu launched the concept that English Heritage should have members: when he arrived there were around 10,000 people who paid a lump sum for free entrance to the monuments. He called these members, and by a superb marketing campaign increased their numbers to over 1/4 million.

The second success has been PPG 16 — Planning Policy Guidance note 16, which has been discussed above. In essence this introduced the concept that 'the polluter pays' and established it as part of planning guidance that the developers should pay to mitigate the archaeological damage they cause. The result has been a saving to the state of some £4m which has not been clawed back.

The first failure came over the listing of Historic Buildings. During Lord Montagu's eight-year tenure, the number of listed buildings doubled. This inevitably brings with it a cost. Listed buildings cost money to administer, and also carry the implication (officially denied by English Heritage) that the building now qualifies for government money. This is the source of their current financial problems. The listing of historic buildings has got out of hand, and the whole question of listing and scheduling needs to be reconsidered (see below).

This leads to the second failure, that over the ballooning costs: every year (until, apparently 1996/7) the English Heritage grant has increased by well above the rate of inflation. The economics of bureaucracy have triumphed over the original naive hopes.

Finally a query: is English Heritage a purchaser or a provider? Or, in archaeological terms is it a curator or a contractor? In the course of promulgating PPG 16, English Heritage pushed the idea of a distinction between the two, insisting that county archaeologists should be the 'curators', while the archaeologists who carry out excavations should be 'contractors', or providers. But which is English Heritage itself?

The root of all its problems appears to be that the two functions are hopelessly intermeshed. It both advises the government on how to preserve the past, and is itself the prime contractor in carrying out this preservation by holding so many monuments in its own care. If English Heritage were to lose its contracting function, it would be better able to take an overall look at the problems of the heritage as a whole.

Finally, there is one obvious and easy improvement: appoint some amateurs to the HBMC (English Heritage) and to Historic Scotland and CADW. At present the HBMC (the governing body of English Heritage) is composed half and half of professional archaeologists and businessmen. There are no amateurs — the businessmen are simply people who may have expressed an interest in the heritage at some time or other, but who have no knowledge or experience of amateur archaeology. The Minister should seek out active amateur

archaeologists who are able to express an expert and independent point of view on the Commission.

The Royal Commissions on Historical Monuments

The Royal Commissions are in some ways the biggest disaster of 20th century archaeology. They were set up, one each for England, Wales and Scotland in 1907/8 to make an inventory of ancient monuments and historic buildings. A handy list was needed, and there wasn't one. The first inventory, for North Berwick, was compiled in record time — the investigator was a keen cyclist and got round the sites in double quick time. Then the trouble started. The academics began to complain: We don't want just a list, we want proper descriptions of each item. And so the rot set in. Inventories became more and more detailed — and slower and slower.

In 1933 the Ministry of Works was given the tasks of preparing a 'Schedule' of ancient monuments to replace the inventory: logically, this was the time when the Commissions should have been wound up. Unfortunately they survived. Dorset was completed in 5 volumes in the 1950s, and was the last English county to be fully surveyed. Since then only bits of counties have been done. Northamptonshire's archaeology was completed in five volumes, but since then it has been isolated bits and pieces — the walls of York, the houses of Stamford, the long barrows of Hampshire, or the hill forts of the Cotswolds. Eventually the Commissions decided to give up publishing inventories altogether — since when they have expanded enormously.

Although this makes an amusing tale of bureaucratic folly, the real harm lies not in what the Commissions have done or not done, but what they have deterred others from doing. Whereas in the Nineteenth Century, virtually every county had its chronicler, someone who decided to devote their lives to producing an account of their native county, in the twentieth century that has ceased. Everyone felt that this was the job of the RCHM, or the VCH (the Victoria County Histories), and so desisted. In any case if anyone did try to write a county history, publication became very difficult, for there was always the fear that once you were nearing completion, the commission would come marching into your county, and thus render your work unpublishable — for no-one would want to publish a private work, when the state was about to do it 'properly'. A good example of this was Maryport, where the Commission recently did a survey. When it was nearly completed, they discovered that a local historian had already covered much the same ground. He was duly thanked in the preface — but his work has not been published. Thus the overall output of the twentieth century has been far less than the private enterprise of the nineteenth.

The Commissions have therefore been obsolete since 1933, when the Ministry of Works was given the task of providing a schedule of ancient monuments. The obvious solution was to merge the Commission with the Ministry of Works, which is what Michael Heseltine proposed when he set up English Heritage, and it was a great tragedy that he was defeated.

The one useful function of the Commissions has come about as a result of mergers, first with the National Building Record — later the National Monuments Record, — and more recently when the archaeological records of the

Ordnance Survey were transferred to the Commissions. This means that they now form the national 'library' for archaeological records. This should be preserved. But the rest of the Commission should be dissolved: the Commission as a whole should be merged with English Heritage, and everything except for the records should be wound up. There is a very substantial cost saving to be made here. (However, the Royal Commission is probably a more efficient body than English Heritage, so in a merger, the RCHM staff should come out on top).

Churches

English Heritage has been making an attempt to take churches under its wing, and this is a mistake. This is a place where substantial cost savings could be made.

Churches have traditionally been exempt from planning laws. This is basically because churches have their own separate Ecclesiastical laws which run parallel to Civil Law. When the 1933 Ancient Monuments Act was debated in the House of Lords, there was endless discussion with the Churches, led by the then Archbishop of Canterbury, and as a result Churches were specifically exempted from the Act — the "Ecclesiastical Exemption".

Recently this ecclesiastical exemption has been under attack, partly as a matter of principle from those who do not believe the churches should have their own system of law and partly from those who believe that the churches have been ignoring their own archaeology. Lord Montagu in particular pressed hard to have ecclesiastical exemption narrowed and this has been very expensive to the Government. On the one hand ecclesiastical exemption is now confined to the churches themselves and permission must now be sought for changes to churchyards and their surroundings. In return for this the government has made a grant of several million pounds to English Heritage to be used as subsidies for the churches.

This is a case where we should return to the status quo ante. The ecclesiastical exemption from the ancient monuments acts should be interpreted as broadly as possible to include all church property; churches should also be given exemption from the civil planning authorities too: after all, the record of the ecclesiastical planning system for conservation has, over the years, been much better than that of the civil planners. In return they should no longer expect to be given grants by the state. The church has been very successful in the past in raising money; the grants given will weaken the incentive and in the long run will prove counter-productive.

Nautical archaeology

Nautical archaeology is the one aspect of archaeology where legislation is probably desirable. However the current proposals largely ignore the amateurs, and will therefore be very expensive to the government: this is a case where fresh thinking is needed.

Nautical archaeology is something comparatively new. It depends on the invention of the aqua-lung, which only took place after the war, and thus in many ways nautical archaeology is in the position where land archaeology was a century ago.

At present, the main legislation regarding historic wrecks is the Merchant Shipping Act of 1894, which is disastrous. This lays down what might be called the principle of "Finders Keepers" — whoever finds a wreck and can tear a bit off it and take it to the Receiver of Wrecks, and the finder is then awarded the whole wreck. There could be no worse law from the archaeological point of view — the law positively encourages and rewards looters. The situation was substantially improved by the first archaeological legislation, the Protection of Wrecks Act 1973. This established a system of designating historic wrecks similar to the listing of historic buildings or the scheduling of ancient monuments. Basically this is the right principle. The Joint Nautical Archaeology Policy Committee is now pressing for better protection of archaeological sites underwater. However their proposals apparently involve squeezing out the established underwater 'hobby-divers', many of whom are only too keen to investigate the sea-bed, and to replace them by professional archaeologists, at the taxpayer's expense. The British Sub Aqua Club, which is the main co-ordinating body for amateur underwater divers, has some 35,000 members in its constituent bodies, and these form a ready made workforce for under-water archaeology.

What is needed is to follow the example of land archaeology, and appoint a 'Curator of Nautical Archaeology' on the analogy of the curators established in the county planning offices. Since counties are irrelevant to the sea bed, the post of the Curator should be funded by the national government. The curator must be neutral: the office must not be allowed to carry out any underwater archaeology itself, and any surveying that is needed should be done by outside bodies. But in this way the curator would be able to arbitrate between the various claimants to the archaeology of the seabed.

There is a big problem here, because the divers range from more or less respectable archaeologists down to those who are little more than professional looters. What is needed is to amend the 1894 law so that it does not apply to historic wrecks, and then to seek to build up the respectable amateur divers as a counterbalance to the treasure hunters.

The 'Mary Rose' shows what is possible. This was essentially an amateur operation without any direct governmental funding for the archaeology, but which was nevertheless a huge success due to the combination of fund-raising, help from the Navy, and sheer brilliant amateurism. This is the example to follow.

De-regulation

Increasingly, those who wish to conserve the past are deterred from doing so by the regulations. On top of the historic building regulations, there are also the planning regulations, building regulations, to say nothing of fire regulations and health and safety regulations, all of which tend to contradict each other. Altering any listed building is a nightmare, and many are deterred. Yet there is an easy solution: simply declare that once a building is listed as a historic building it is

exempt from all other regulations — it is up to the historic buildings inspector to take advice as he thinks fit, and to reject it where necessary.

However, the laws too need re-thinking. Prior to the first Ancient Monuments Act of 1882, there was no provision for archaeology in British law, and ever since then archaeologists have been pressing, mostly rightly, for more and more regulation. The pendulum has now swung too far, and we need to reconsider where the boundary should be drawn.

The Ancient Monuments Act

There are two ways of preserving ancient monuments. The first is to pass a sweeping law saying that all ancient monuments are hereby preserved, and hope it will work. The second is to list specific ancient monuments, which is more tedious, but which does work, because it means that you know precisely what is protected. European Ancient Monuments laws are mostly of the first type (known as the Fascist type, being first passed by the Fascists). The British Ancient Monuments Acts have been of the second type.

From the first Ancient Monuments Act of 1882, the lawmakers realised the rights (and advantages) of private ownership, and the first system was to offer to take properties into guardianship.

In the acts of 1913 and 1933 a further category was added — a Schedule of Ancient Monuments. Originally these were monuments where the owner had to give 3 months notice — eventually extended to 6 months — if anything was to be done to them. It was not something that any landowner could complain about too strongly, and it did mean that sites were marked, and the Ministry of Works was given the opportunity to decide what to do about them. (The weakness was that there was no power of compulsory purchase, which in many cases would have been the cheapest answer — the cost after all of purchasing a barrow in a field would be minuscule). The new Act of 1979 made a very major change in that all scheduled Ancient Monuments were protected in perpetuity, and the landowner needs Scheduled Monument Consent before anything could be done to a Scheduled Monument.

This means that the act is now too strong. Scheduling a site is a major invasion of private property — in financial terms it can make a financial difference of tens of thousands of pounds to the value of the property. (There was a good example of this on Arran, where a large area of moorland was scheduled shortly before it was about to be afforested; as a result the value dropped to almost nothing).

The civil servants, to their credit, vaguely realise this, and have therefore become rightly hesitant to schedule sites unless they have extensive back-up.

Ideally, I think, three categories of ancient monument should be distinguished: major, minor, and local; and each should have its appropriate level of preservation. There should be the major sites, which should be preserved and laid open to the public; there should be 'dormant' sites which should be preserved but not necessarily laid open to the public; and there are the lesser sites, which should be put on six months' notice before they are touched, to give the archaeologists the opportunity to deal with them.

The old Ancient Monument Acts had type 1 and type 3, but not type 2. The class one sites were the guardianship monuments, laid open for inspection. The class three sites were the scheduled ancient monuments.

The new act of 1979 transferred all type 3 to type 2, and abolished type 3 completely, so there is now no provision in the law for the old form of 6 months notification for scheduling.

There are therefore some minor sites which do not get the class 3 protection they deserve, while some sites that should be class 3 are given the excessive protection of class 2. This causes undesirable antagonism to archaeology.

Currently, English Heritage is preparing a monument protection programme, going round the country trying to ensure that all sites are properly assessed, and the right ones scheduled: there is a considerable disparity between different parts of the country. In Cornwall for instance there are rather too many guardianship monuments, but in Bedfordshire there are none at all - the result of the zeal, or lack of it, of past Inspectors. It seems that the idea is that there will shortly be a D-day on which thousands of landowners all over the country will get a letter informing them that a site on their land, which they may or may not know existed, has been scheduled, and they may not do anything about it without scheduled monument consent (which they are unlikely to get: the paperwork has been made quite excessive, so that a specialist (and expensive) lawyer is needed to deal with it). Archaeologists are likely to become very, very unpopular.

We should perhaps note at this point that the 1979 Ancient Monuments and Archaeological Areas Act was a bungle. It was rushed through parliament with most unseemly haste, on the last day of parliament - having its second and third readings and the Royal Assent all on the same day. It had only been published following its first reading two months before, so it went through unseen and unexamined.

The law now needs to be re-examined more closely, and a new category of scheduled ancient monuments needs to be re-introduced based on the principle of the landowner giving six months' notice. This would be a fair and reasonable law which would enable a far larger number of minor sites to be brought under control.

The threat from Europe

As in so many other aspects of our national life, there is now a European aspect which has hitherto been ignored by archaeologists. This comes not so much from the European Union, but from the Council of Europe, which has a sizeable (and expensive) Cultural Heritage Division. This produced the Valetta Convention, signed on 16th January 1992 in Malta by the British government, apparently without adequate archaeological consultation. (The British Museum in particular has been very annoyed by it).

Much of it is tendentious to the point of being untrue ("The aim of the Council of Europe is to achieve a greater unity ...for the purpose of safeguarding the ideals which are their common heritage...") What common heritage? European archaeological principles are entirely different from those in Britain. In most

European countries, all archaeological excavation is forbidden except under licence and as a result there are few amateur archaeologists.

As a result, much of the contention is positively objectionable. The most objectionable is Article 3 which calls for the licensing of excavations. Article 6 says that each party undertakes 'to arrange for public financial support for archaeological research'. Article 10 has also caused trouble to the British Museum for it seeks to restrict the acquisition of objects from 'uncontrolled finds'; yet the British Museum spends half its time chasing up such casual finds, that is those from farmers, gravel diggers etc. Are these to be entirely ignored in the future?

The most serious aspect is that the Convention as a whole has no concept of the independent archaeologist, or indeed the amateur: or any indication of the importance of having archaeological societies to form a body of independent archaeological opinion.

It is objectionable too in more general terms, in that there is no concept of subsidiarity. In several European countries, antiquities laws are enacted at a lower level. In Germany for instance there is no federal antiquities legislation: it is all done at the level of the Länder, and still varies according to the philosophies of the original occupying powers. Similarly in Britain, Treasure Trove differs between England and Scotland, while the legislation of Northern Ireland is entirely different. Why then should it be desirable to impose a common legislation on the whole of Europe?

The tone of the document can be summed up in a quotation from the accompanying "Explanatory report", page 4 of which states that the demand for identity "can only be met by specialists who can interpret the data". In the brave new world of the Council of Europe, only the 'specialists' will be allowed to interpret the past.

The Council of Europe therefore appears to be one of those expensive international bodies whose philosophies are entirely alien to our own. Britain should withdraw: apart from all the other benefits, it would also save a lot of money.

UNESCO and World Heritage sites

Even though British has withdrawn from UNESCO, its malign influence still lingers on in the form of the World Heritage sites. These are a typical example of a problem that has not been thought through. The sites that are named as World Heritage sites are the outstanding spectacular archaeological monuments — Stonehenge and Hadrian's Wall. Because they are well-known, the main problem is that of over-visiting. Yet by naming them a WHS, they become a tourist honey-pot, and the number of visitors increases. Declaring a monument a WHS is thus the very worst thing that could happen to it.

The other implication is that the 'government' takes over responsibility for the site, the curator/contractor split vanishes, and the benefits of local management are lost.

How to help the independent sector

Inheritance tax

If there has been one thing above all that has caused the 'nationalisation' of our past, it has been death duties and inheritance tax. They were designed deliberately to harm those who owned our historic buildings, great and small, and they have succeeded magnificently. The National Trust has grown great and powerful on acquiring many of the larger buildings through its exemption from such imposts, but it is many of the smaller ones that have suffered through long term under-maintenance due to the ravages of the duties.

A good example is Stokesay Castle, in Shropshire whose Victorian owner restored it to its medieval splendour. In the 20th century, however, it went into a decline as death duties took away the money needed for its care, until eventually English Heritage had to fund its expensive repair — though typically it was never mentioned that death duties lay at the root of the problem.

If the government wants to preserve these buildings in private hands — and at private expense — it should recognise the ravages caused by death duties, and abolish the tax (currently the Inheritance Tax).

It is not just historic buildings that suffer. Archaeological societies too are no longer receiving the legacies which in the past enabled them to build up their own meeting places and their own museums. The benefits of allowing the often small agglomerations of wealth to continue in private hands would have an enormous effect on the running of independent archaeology.

The Charity Acts

There are a number of problems where the government, by its actions, causes unnecessary harm to amateur bodies. Foremost among these is the new Charities Act which appears to be giving headaches to local archaeological societies round the country. Like so many other modern laws, it appears to be designed to catch the 0.001% of charities which go wrong, to the detriment of the 99.99% of charities that go right. One distinguished society was recently fined £200 for not presenting its accounts on time: after, the Treasurer, who acted purely voluntarily, had a breakdown. But it is difficult in such circumstances, where the committee is scattered round the country and only meets a couple of times a year, to establish that the Treasurer has had a breakdown and is not coping, to persuade him/her to resign, and then find a replacement. A fine of £200 — which they could ill-afford — scarcely encourages voluntary societies to keep going. There is a groundswell of concern among local archaeological societies about the red tape being imposed by the charity commissioners.

Premises

The government should recognise the serious problem faced by local societies in finding premises. The government's policy of requiring local authorities to rack

rent all properties — even if unoccupied — has meant that societies can no longer afford the exorbitant rents charged for the hire of rooms in museums, libraries etc. (Here in Camden, even the British Legion is being forced out of premises it has long occupied by the council's insistence on rack renting them). There is a case here for using marginal accounting, and charging charitable bodies at cost — especially when, as so often, the premises themselves originally came from a charity.

There is what one might call the 'Village Hall' syndrome. In the 19th century, societies banded together to put up a village hall. It was often draughty but it was convenient and cheap — everyone helped with repairs and maintenance and the keys were with the house next door. Over the past generation, these have mostly vanished. The local council has come along, built grandiose new offices, and offered far superior facilities at a nominal rate. Societies were tempted, and fell. The village hall was demolished. Retribution follows: the council can no longer afford its grandiose new premises, and has to charge the societies — not only the overheads, but also the cost of all the staff needed to keep to premises open. The societies are bleeding. What is needed is to set up village halls once again and find cheap meeting places. (Private schools are often cheaper than state schools, pubs often offer a better deal than the town hall or museum).

Councils often hold property that is a dead end and unsaleable: if councils wish to help local societies they could start by looking through their portfolio of 'dead' properties and offer them to the societies. Nineteenth century chapels are a good place to start as several societies (Upper Nene and Hornsey) have demonstrated: the Manshead society of Dunstable is now in a former pub, purchased by the Council for a new road that was never built, and now sold off to the Society, who had long occupied it as 'temporary' premises.

The National Lottery

The National Lottery is already a major influence on archaeological projects. It is too soon to give precise examples, but already the distorting effects are being felt, and all new projects are being written with the overriding aim of getting lottery money. When there is one big body, that far exceeds in its spending power all other sources of finance put together, that body has enormous influence; it is a monopoly with all the dangers that monopolies entail, destroying the marketplace, so we can no longer see where we ought to be going, only where the Lottery commissioners decree that we should go.

Already I note that the Museum of London, faced with threatened cuts to its budget, responded by looking to the Lottery to offset the cuts.

There is a similar problem with the Museums and Galleries Commission which registers museums; at present even the smallest museums are keen to register, as it is becoming difficult to get a grant unless a museum is registered. Yet the drawbridge is rising: the conditions of registration are becoming more difficult and onerous and thus small museums will soon lose many of their advantages. Biggest is not always best.

Where money should be spent

Since this report has already suggested numerous ways in which the government can save money, let us also recommend where the money should be 'spent'. We can, without fear of being accused of improvidence, recommend tax cuts. Firstly the money should be used to remove VAT on the repairs to listed buildings. And secondly it should be used to buy out the Inheritance Tax which has done so much to transfer historic property from private hands and private expense into the hands of the state and at the state's expense. If the Inheritance Tax could be removed, our historic houses would remain with the original families who would be better and cheaper 'stewards' than the state.

Set targets for research for English Heritage

At present English Heritage is extremely reluctant to allow any research excavations on scheduled ancient Monuments, which is ridiculous. An initial target of four Scheduled Monuments Consents (SMCs) per county per year, (i.e. about 160 for England as a whole) would seem not unreasonable.

English Heritage should also consider how far the care of monuments should be shared with local societies along the lines of the Scottish Adopt-a-Monument scheme.

Education

The present system of adult education has broken down (see Chapter 3). At present it is limping on, doing little good itself, but preventing any alternative scheme emerging. It should be wound up so local societies and other bodies can set about establishing schemes for training their own members.

Conclusion

To summarise, a successful programme of ‘amateurisation’ — a combination of bringing back the independents and deregulation — could achieve five targets.

1. It could double the output of archaeology simply by putting to work all the amateurs who are at present frustrated and doing nothing.
2. It could cut government spending.
3. It would bring back an element of democracy into archaeology and the arts.
4. It would raise the quality of archaeology by removing the pretentiousness and the jargon, and could bring back the cutting edge of genuine scholarship.
5. It would re-introduce the enormous efficiency of market principles as an allocation process into the treatment of the past.

Finally, let me emphasise that archaeology needs the professionals. Archaeology should be a partnership between professionals, academics and amateurs. The aim of this paper is to bring back this partnership.